

244283

**WATERS, MCPHERSON, MCNEILL**

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JAMES A. KOSCH

DIRECT DIAL

201-330-7461

TELECOPIER

201-863-2866

August 19, 1997

**VIA FAX TRANSMISSION**

Jeff Bechtel, CHMM  
U.S. Environmental Protection Agency - Region II  
Response and Prevention Branch  
Building 209, (MS-211)  
2890 Woodbridge Avenue  
Edison, New Jersey 08837-3679

**Re: Color Sciences, Inc. (formerly Color Technology, Inc.)**

Dear Mr. Jeff:

We are in receipt of your fax transmission of this afternoon forwarding NJDEP's request regarding the site. The sampling, characterization and disposal of hazardous substances is underway. We have directed Color Sciences waste haulers to contact you directly to confirm that the material owned by Color Sciences will be removed tomorrow. Further, we have been informed that STAR was on-site today and the contents of the trailers will be removed tomorrow.

We believe the completion of this action removes the materials which might pose any potential threat to the local population. Further, Color Sciences has commenced the investigation process under New Jersey's Industrial Site Recovery Act. N.J.S.A. 13-1(k) et. seq. which will address any possible soil or groundwater contamination on site as well as properly close the underground storage tanks.

In all, the removal of materials which will be accomplished tomorrow will remove any perceived emergency circumstances which led to USEPA involvement. Consequently, as we have previously informed USEPA, the form of AOC is overbroad and burdensome given the environmental investigation and remediation activities undertaken under New Jersey law as directed by NJDEP (see attached).

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We remain prepared to enter into an appropriate and reasonable AOC which recognizes the duplication of efforts under state and federal law once the materials giving rise to the emergency situation have been removed.

Very truly yours,

**WATERS, MCPHERSON, MCNEILL, P.C.**

BY: 

**JAMES A. KOSCH**

JAK/sf

cc: Clay Monroe, Esq. (Via Fax Transmission)  
Mr. Carl S. Curtis (Via Fax Transmission)



## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

JUN 06 1997

**CERTIFIED MAIL 2288 500 502**  
**RETURN RECEIPT REQUESTED**

Color Technology  
115-117 Moonachie Avenue  
Carlstadt, NJ 07072

RE: Color Technology  
60 Cornell Boulevard  
Somerville Boro, Somerset County  
BFCM #UC1929

Dear Sirs:

This is to inform you that the New Jersey Department of Protection (NJDEP) has been informed that Color Technology has ceased operations at the above referenced site and subsequently, failed to submit the General Information Submission and Preliminary Assessment/Site Investigation pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq. and enabling Regulations, N.J.A.C. 7:26B et seq. Therefore, the case has been referred to the Negotiation/Enforcement Support Unit within the Bureau of Federal Case Management.

Please be advised that the owner or operator of the above referenced site are subject to penalties of up to \$25,000.00 per day. Penalties will continue to accrue until all the actions and information required by N.J.S.A. 13:1K-6 et seq. and N.J.A.C. 7:26B is received by this office.

Therefore, Color Technology shall submit the required General Information Notice ("GIN") within thirty (30) days after receipt of this letter and the Preliminary Assessment within sixty (60) days. Should Color Technology fail to submit the required information within the established time schedule, NJDEP may take enforcement action as allowed by law and may transfer the case from the Industrial Site Recovery Act program to determine its priority status on the Comprehensive Site List (CSL).

This letter does not constitute an extension or modification of the time periods for compliance set forth under N.J.A.C. 7:14B or any previous NJDEP correspondence.

Should you have any further questions regarding this correspondence, please contact Kathleen Rogacki at the following address and telephone number: New Jersey Department of Environmental Protection, Division of Responsible Party Site Remediation, CN 028, Trenton, NJ 08265-0028, (609) 292-7253.

Sincerely,

*Kathleen Rogacki*  
Kathleen Rogacki, Case Manager  
Bureau of Federal Case Management

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**TELECOPIER COVER SHEET**DATE: 8-19-97 TIME: 5:30 PMTO: Jeff Bechtel, CHMMFROM: James A. KoschTELECOPIER NUMBER BEING CALLED: 908-321-4425WE ARE TRANSMITTING A TOTAL OF 5 PAGES, INCLUDING THIS COVER SHEETRE: Color Sciences, Inc.

IF YOU DO NOT RECEIVE THE INDICATED NUMBER OF PAGES, PLEASE CALL US AT (201) 863-4400 (EXT. 206) AS SOON AS POSSIBLE SO THAT WE MAY CHECK IT FOR YOU.

CLIENT NO./MATTER: 8325-1**CONFIDENTIALITY NOTE**

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